THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.NO.8530 OF 2004

Dated: 11.9.2007

Between:

G.Ramulu … Petitioner

And

1.The District Panchayat Officer,
Mahabubnagar District
And others. … Respondents

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ORDER:

Petitioner, who owns land adjacent to a river filed this petition to direct removal of the sand deposit in his land made due to the raise in water level of the river due to flood

2. Earlier, when the petitioner filed a similar writ petition it was disposed of permitting him to remove the sand deposits on his land to a corner in his land, after informing the Mandal Revenue Officer with a further direction to the District Panchayat Officer to auction the said sand as per A.P.Minor Mineral Concessions Rules, 1966 and other relevant rules.

3. Since the respondents contended that inspite of the direction given by the court earlier petitioner failed to remove the sand in his land and also failed to inform the District Panchayat Officer, a learned Judge had on 16.11.2004 directed the District Panchayat Officer(1st respondent) to inspect the petitioner's land and submit a report. Accordingly first respondent, visited the land of the petitioner, submitted his report that the petitioner misled the court saying that the sand piled up in his land, when in fact has been lifting sand from the vagu which is 15 feet deep and 100 to 150 feet away from his land in tractor, and is dumping it in a corner of his land and is transporting it

illegally and that there is no possibility for the sand in the vagu getting deposited in the land of the petitioner.

4. Whether there is a possibility for the sand from the vagu getting deposited in the land of the petitioner or not is a question of fact which cannot be decided in a writ petition. Even if the sand from the vagu is getting deposited in the land of the petitioner, such deposit would be an act of the god and no right to that sand deposit vests in him as held in BHEEMAGARI BHASKAR AND OTHERS v REVENUE DIVISIONAL OFFICER, BHONGIR, NALGONDA DIST.[1] and so if the petitioner feels inconvenience due to the alleged sand deposits from vagu in his land, he can initiate proceedings for recovery of damages, but is not entitled to the relief prayed for in this writ petition, in view of the report of the first respondent.

5. Hence, the writ petition is dismissed. No costs.

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C.Y.SOMAYAJULU, J.

11th September, 2007.

PNV

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[1] 2001(5) ALD 277 (DB)